

REMARKS

This is in full and timely response to the Official Action of March 11, 2005.

Reexamination and reconsideration re respectfully requested.

Priority Acknowledgement

It is noted that the initial Action acknowledges receipt of the certified copy in support of the claim for priority under 35 USC 119.

Drawings

It is noted with appreciation that the drawings filed on January 23, 2004 have been accepted by the Examiner.

Claims

Claims pending

It should first be noted that a Preliminary Amendment was filed with this divisional application when presented. That paper canceled claims 1 to 4, 6 and 7 and otherwise made changes to the dependency of certain claims. To the extent that the initial rejection was directed to these canceled claims, it is overcome.

Amendments to pending claims

An amendment to claim 5 is made to correct a typographical error in referring to "wt%", now changed to --% by volume. That correction is supported at page 34, lines 4 to 19

of the specification as filed. The language of claim 12 is modified to refer to -25 wt% or less Pb--. A correction is made to claims 14 and 19 to correct "An" to -Zn--.

Withdrawal of rejections based on Takayama '121 under section 103

Certain claims were rejected on the basis of section 103 and based on Takayama '121. In the parent application, it was noted that the Takayama '121 patent was not prior art at to that parent application if we would indicate that the prior art and claimed invention were, at the time of the invention, owned by the same entity, i.e. Komatsu, Ltd. That indication is reiterated here. Thus, all rejections based on Takayama '121 are flawed as relying on a document not prior art under 35 USC 103(c). Accordingly, the rejections of (1) claims 8, 10, and 13 to 17 based on Takayama '121 alone under section 103; (2) the section 103 rejections of claims 13 to 19 based on Takayama '549 in view of Takayama '121; (3) the section 103 rejection of claim 11 as unpatentable over Takayama '121 and Takayama '775; and (4) the section 103 rejection of claim 18 as unpatentable over Takayama '121 and Takayama '549 should be withdrawn.

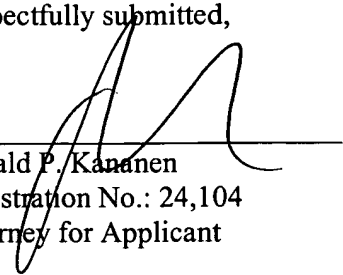
Argument responsive to other rejections of claim 5 and claims dependent thereon.

As to the invention claimed in claim 5, as amended, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18 and 19, there is no cited reference that describes that the total amount of two or more elements selected from the group consisting of Ni, Si, Ti, Co, Al, V and P is adjusted to 0.5 to 10 % by volume as recited in the currently amended claim 5. Accordingly, each of these claims avoids the cited and applied art so that the current rejections should be withdrawn.

Reconsideration of claims 5 and 8 to 19 on the basis of the foregoing two arguments is respectfully solicited.

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Respectfully submitted,

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